

**ARIZONA SUPREME COURT
COMMISSION ON MINORITIES IN THE JUDICIARY (COM)
MINUTES**

Thursday, October 15, 2009
11:00 am – 3:00 pm
Arizona State Courts Building – Room 230
Phoenix, Arizona

MEMBERS PRESENT:

Honorable Roxanne Song Ong, Chair
Jesus Diaz, Vice-Chair
Honorable Peter Eckerstrom
Brenetta Monyette Green
Patricia Seguin
Margarita Silva
Arthur Wilkerson
Honorable Penny L. Willrich (Ret.)

PRESENT TELEPHONICALLY:

Honorable Maria Avilez
Joi Hollis
Karin Humiston
Honorable Mitchell D.K. Kalauli
Justin Ruggieri

MEMBERS ABSENT:

Mike Baumstark
Niccole King
Lisa Loo
Honorable Marie Lorona
Honorable Leslie Miller
Bryon Matsuda
Honorable Eileen Willett

STAFF:

Susan Pickard, Court Services Division, AOC
Annette Mariani, Court Services Division, AOC

Guest (s):

Melissa Ho – President, Asian American Bar
Association
Carol Mitchell, Court Services Division, AOC
Elizabeth Evans, Maricopa County Superior Court
Jeff Schrade, Director, Education Services
Division, AOC
Beth Asselin, Manager, Distance Learning,
Education Services Division, AOC

REGULAR BUSINESS

1. **Call to Order:**
Honorable Roxanne Song Ong called the meeting to order without a quorum present.
2. **Welcome, Introductions:**
 - a. Commission members present and on the telephone introduced themselves.
 - b. Collaborations: Judge Song Ong

As part of this year's initiative, the Commission on Minorities in the Judiciary (COM) had agreed to continue to partner with minority and ethnic bar associations around the state

in order to combine resources; especially during these economic times. There will be two presentations today; one from the Arizona Asian American Bar Association and one from the Arizona Black Bar. Staff at the AOC is in the process of inviting representatives from Los Abogados and the Native American Bar Association to present at subsequent meetings.

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

3. Arizona Asian American Bar Association – Melissa Ho, President

Ms. Ho provided information on the Arizona Asian American Bar Association (AAABA):

Ms. Ho's term began in April 2009. This year there were 300 participants in attendance at the AAABA Installation and Scholarship Presentation. Mr. Jose Cardenas from Arizona State University was the guest speaker. In order to increase membership and collaborate with other sister bar associations, the Arizona Asian American Bar Association members have:

- Compensated for raised dues by opening their events to both members and non members.
- Co-hosted events with other bar associations.
 - Sponsored a dinner with John Phelps, Executive Director, Arizona State Bar. This event helped membership become aware of the various opportunities available.
 - Successfully collaborated with the Asian American Journal Association, Arizona Chapter. This event highlighted the overlap between what is reported and what the members experience in their professional life.
 - Collaborated with the National Asian Pacific American Bar Association (NAPABA). The NAPABA conference is scheduled for November 2009, and affords attendees an opportunity to network with sister bar organizations from other states.

The NAPABA Trailblazers Award recognizes the outstanding achievements, commitment and leadership of lawyers who have paved the way for the advancement of other Asian Pacific American attorneys. This year the Honorable Roxanne Song Ong is the recipient of that award.

- Developed a website: www.azasianbar.org.
- Established a Community Service Section where members collaborate with a group of Asian American doctors who conduct free health screenings by providing free legal advice. The goal is to provide information to the community so they know where they can seek additional resources, if needed.
- Acquired an intern to assist with archiving the past 15 years of association information.
- Had a joint event with ASU and Phoenix School of Law students attended by 60 participants.

Though the majority of membership is in Maricopa County, this is a statewide organization. Accordingly in an effort to broaden the group's reach, there was an event held in Pima County.

4. Arizona Black Bar – Brenetta Monyette Green, President

Ms. Monyette Green provided information on the Arizona Black Bar Association (ABB):

The Arizona Black Bar Association (formally known as the Hayzel B. Daniels Association) is an established organization which is currently undergoing change. The recent focus of leadership has been to identify their strengths in order to provide better assistance to all the ABB members and members of the community. Some of the highlights include:

- The annual Hayzel B. Daniels Scholarship Banquet was held at the Phoenix Art Museum and received tremendous support from the various sister bars, the judiciary and from the community.

- Normally scholarships are given to 3rd year law students to assist them with their bar preparation courses. This year the scholarship was not awarded due to the difficult economic environment; however, it is anticipated the scholarship will be awarded again next year.
- An update of the ABB website is underway.
- Next year, the Arizona Black Bar is looking for a slate of new officers.

Q. Why did the membership decide to change the association's name?

A. The reason for name change was primarily administrative. It is much easier for those coming into town to find the ABB than expecting them to know that the Hayzel B. Daniels Bar Association is the Black Bar. The name change also focuses more clearly on who they are and how they function.

A quorum was reached at 11:37 a.m.

5. Approval of Minutes

Motion: To approve the minutes of the July 23, 2009 meeting as written. The motion was seconded and approved. COM-009-06

6. 2010 Meeting Schedule – Susan Pickard, Staff, AOC

A proposed meeting schedule for 2010 was presented. After review by the Commission members, it was agreed that the first date of January 21, 2010, could stand as proposed. The timeframe for this meeting will be 1:00 pm – 4:00 pm. Members were asked to email Susan Pickard with preferences/input on meeting dates in order to solidify the remainder of the proposed dates.

7. Court Interpreter Registry Update – Carol Mitchell, Court Services Division, Caseflow Management Unit, Administrative Office of the Courts

The issue of lack of Court Interpreters in the State of Arizona was raised many years ago by Commission members and the AOC has continued to make progress toward statewide goals and objectives. Since Ms. Mitchell's previous presentation a year ago, the following has occurred:

- An online database has been created; its purpose is to provide a statewide interpreter resource for Arizona's courts. This is a web-based product which allows interpreters to register. The website is: www.interpreters.courts.az.gov
- The courts have access to the database through an assigned pass code. If a court is in need of a pass code they should contact Ms. Mitchell at cmitchell@courts.az.gov.
- The information contained on the website is reviewed for completeness only. There are 63 approved registrants. Approval meaning - "only approved for completeness of information." Courts need to follow up with those individuals that have registered to see if that person fits their needs.
- Development and testing was completed and the website was launched in March, 2009. Input from various court interpreters statewide was used to develop the site.
- Ms. Mitchell presented this information at the national meeting of the National Association of Judicial Interpreters and Translators where it was well received.
- Courts are now able to search by: county, statewide, language, dialect or region. Courts can click on a name and view the interpreter's experience level and resume, if one is provided.
- If a person has a specific certification or trial experience this can be reflected by attaching their resume.
- Search capability is not open to the public at this time. A person can only access his or her own information and are not capable of viewing anyone else's information.
- To date, interpreters from 6 counties are registered.

A publicity effort to make community groups aware has been considered. There has been great success from the ListServ created. Contact has been made with the Immigration Lawyers Association.

Commission members suggested that the database be made available to all practicing attorneys in the state so that a bigger pool of potential users could be identified thus providing greater use of those registered. Bookmarks and business cards were given to all Commission members to share with others in their courts.

8. Statewide DMC Committee Goals and Initiatives - Jesus Diaz, Pima County Juvenile Court Center

Mr. Diaz gave a brief background of the Statewide DMC Committee and how it has evolved. Ms. Helen Gandara, Bureau Section Chief, Scottsdale Police Department was to present with Mr. Diaz today but was unable. This subcommittee consists of a very diverse representation. Among them are: The Juvenile Justice Commission, the Administrative Office of the Courts (AOC), Scottsdale Police Department, Yuma County Juvenile Court, Maricopa Juvenile Court, Arizona Criminal Justice Commission, Arizona Children's Action Alliance, Arizona Department of Juvenile Correction, YMCA and other ad hoc members. The purpose of the subcommittee was to bring the appropriate state agencies and key decision makers together for a discussion on what DMC is and is not, to view data on a statewide and county level, and to facilitate the distribution of that data through the DMC Report Card. Facilitation in this case means more than presenting the data; it involves helping each county to understand what the data means.

Goals for the subcommittee include:

1. Identity and monitor DMC for the State and all 15 counties
2. In partnership with each county, assess unique contributing factors to DMC, include disparate outcome
3. Promote and implement intervention strategies to reduce DMC and disparate outcomes
4. Evaluate and monitor DMC and DOC reduction activities at state and local level

Seven counties (Cochise, Apache, Coconino, Yuma, Pinal, Maricopa and Pima) have been reviewed, with eight counties remaining. The Department of Juvenile Corrections will also be reviewed for key points in the system. Packets for each individual county which was reviewed were passed around to the group. The measurement used is the Relative Rate Index (RRI) which is also used in the development of the annual DMC report card and is accepted by the Office of Juvenile Justice and many others.

Next Steps:

- Continue to review the Department of Juvenile Corrections data.
- Prioritize and determine how follow up will be done with each county.
- Meet with court leadership, discuss issues and ask them to bring others into the discussion (community leaders, elected officials, etc.).
- Mr. Diaz has met with the statistician from the Juvenile Justice Services Division, AOC to collect information for the next report card. With data from three report cards available it may be possible to begin looking for trends.

Judge Song Ong thanked Mr. Diaz for all the hard work that the subcommittee has done over the years.

9. Commission Goals - Judge Roxanne Song Ong, Chair

It was anticipated that this portion of the meeting would be designated to review the Chief Justice's Strategic Agenda and brainstorm projects to assist in meeting the goals therein. Because the Strategic Agenda is still under reviewed, Judge Song Ong encouraged the various

workgroups to get together and review the Commission's proposed goals for this discussion prior to next meeting scheduled for January, 2010.

10. Classes Offered on Cultural Awareness - Elizabeth Evans, Training Team Leader, Maricopa County Superior Court

Ms. Evans gave a presentation on the various classes that are offered through Maricopa County Superior Court (MCSC) relating to Cultural Awareness. Ms. Evans noted that education is a tool to advance the court's mission and vision. Moreover, included in Presiding Judge Barbara Mundell's Strategic Plan is a goal for the court being culturally competent.

Ms. Evans identified outcome categories for their cultural competence curriculums:

1. Create Awareness – This outcome category in MCSC is the diversity session included in their new employee orientation course.
2. Behavioral Change - It is believed that in order to change behavior, people have to start thinking differently before they can adapt their behavior accordingly. Also some people tend to respond to social science and statistics. One of the programs used by MCSC that relies on statistics is *Disproportionality*. MCSC partnered with a group from Arizona State University (ASU) to produce this evidence-based curriculum to persuade judicial and staff audiences that the behaviors of those in the courts can produce disproportionate results based on race and ethnicity. The course causes participants to question their roles in perpetuating disproportionality and tends to take them out of their comfort zone.
3. Social Cognition - This category operates under the premise that we all have initial anchoring ideas in our mind. As a result, there may be unconscious signals which shape our behavior. This type of course is designed to create the awareness that we all have biases and then give participants instructions on how to guard against them.
4. Neuroscience – This category looks at the biology of the brain and how certain physiological processes can produce behavior that can be defined as bias.
5. Tools - These courses do not fall into cultural competency or diversity. Rather, MCSC has contracted with a community college professor to teach beginning and intermediate Spanish language classes during the lunch hour. This class is designed for staff, judges and commissioners and is grounded in the context of their job at the court.

Ms. Evans noted that once you make training mandatory, staff tends to view it as if you are implying that they may be misbehaving and this creates a weakness in the education module. MCSC found that classes that were elective were not reaching the staff that we had hoped to reach. It is believed that if cultural competency topics are weaved into other course materials better results can be achieved.

A partnership was formed between MCSC and The Morris Institute to conduct a trend and environmental analysis. Court leadership then looked at how this information was going to impact their respective departments. This information was then taken to the Education Committee who developed the education priorities. The education priorities focused on Barriers to Justice.

In closing, Ms. Evans mentioned that future courses will be developed that will delve into economic, cultural, social, and education barriers.

It was noted that identifying your audience and your goals is important when putting together classes. One class does not serve everyone well. Moreover, addressing the various learning styles of individuals as well as providing a supportive environment is also important. Venues that have worked best for MCSC include electronic media, intranet presentations, lunch hour events, quarterly education days, etc.

Other comments included:

- Find out what works and then scale it up to the judiciary. There is a push for more long distance learning approaches. A blended approach is needed in order to keep a sustainable model across the judiciary.
- It is important to hone in on various learning styles regardless of the content. There is a central repository within the various training coordinators.
- How do we measure impact of training and what follow up is being done?
- As the Maricopa County Superior Court continues to partner with the Morris Institute, one of the goals includes the design of a measurement tool to make sure that they are investing their education dollars in the correct areas. Additionally, there are platforms like “train the trainer workshops” for training coordinators.
- Regarding DMC, if the decision points of the court were targeted in a training session and an additional cultural awareness component was presented for each of these decision points, would we be able to measure any gain in using the report card?

11. Workgroup Update

It was noted that the chair positions for the Cultural Competency (or Cultural Awareness) and Diversity Workgroups are vacant. Volunteers were requested.

Judge Song Ong asked that the workgroups plan on getting together prior to the January, 2010 meeting in order to report out to the whole commission.

Collaboration and Outreach – Margarita Silva

This workgroup has not met. The state of the budget has put the proposed focus groups on hold at this time.

Diversity Workgroup – Margarita Silva reported

Following the last Chris Nakamura Judicial Appointment Workshop, the workgroup had not met again but had agreed to work with the Collaboration and Outreach Workgroup on the focus groups.

Cultural Competency

At the last COM meeting, there was discussion on changing the name of this workgroup. One of the names that mentioned was: Cultural Awareness. Ideas for the name change included:

- Keep the name as is
- Cultural Awareness
- Cultural Fluency
- Cultural Awareness and Education
- Cultural Education and Development
- Cultural Awareness and Proficiency

Discussion ensued regarding the possibility of combining workgroups. It was agreed that the group would like to hear some input from Lisa Loo on any additional thoughts that she would have on this issue. Discussion was tabled for next meeting.

Over-representation – Jesus Diaz

Mr. Diaz gave a report as part of his earlier presentation. See Paragraph 8. Statewide DMC Committee Goals and Initiatives

12. Other Business:

Honorable Peter J. Eckerstrom agreed to chair the Diversity Workgroup
Honorable Penny L. Willrich (Ret.) agreed to chair the Cultural Competency (or new name) Workgroup

Note to the chairs:

- Minutes for these workgroups are not required but have proven helpful.
- If the chairs would like to meet at the State Courts Building, they are encouraged to contact Susan Pickard to investigate whether a conference room is available.
- The workgroups can also call in and request a conference call in number if needed.
- At the present time, there is the "Go To" meeting subscription that can also be used to facilitate meetings.

Commission members were asked to review the attached Membership List for any changes in their contact information and submit those changes to Ms. Pickard prior to the January 2010, meeting.

Christ Nakamura Workshop – Justin Ruggieri

Mr. Ruggieri is assisting with the Minority Bar Convention this year and inquired as to the feasibility changing the format of the Chris Nakamura Judicial Appointment Workshop. It was suggested that he speak to Judge Peter Eckerstrom who has agreed to head up the Diversity Workgroup. Judge Song Ong or Judge Ann Scott Timmer could also be contacted as a backup.

13. NEXT MEETING

The next full commission meeting is scheduled for Thursday, January 21, 2010, at the Arizona Courts Building, Conference Rooms 230 from 1:00 – 4:00 pm. Agenda items to include:

- ✓ Name change for Cultural Awareness Workgroup
- ✓ Commission Goals
- ✓ ACJA Section 1-107
- ✓ Presentations from Los Abogados and Native American Bar Association

Call to the Public – No responses

Adjourned at 2:27 pm